

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

RUBY MURRAY, Individual Plaintiff

V.

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) CIVIL ACTION NO: 2:21-CV-01113-MJH

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CAPITAL ONE N.A, Defendant

FILED

SEP 15 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

**PLAINTIFF RUBY MURRAY MOTION FOR DISMISSAL OF DEFENDANT CAPITAL
ONE N.A OF ADDITIONAL TIME REQUESTED TO RESPOND TO PLAINTIFF RUBY
MURRAY COMPLAINT**

Plaintiff Ruby Murray and pursuant to Fed. R. Civ. P.60b (3) and (6) and Fed. R.

Civ. P 60d (3), moves this Court for denying and rejecting for defendant Capital

One N.A and extension of time to respond to plaintiff Ruby Murray complaint and

a motion to dismiss it. On the grounds plaintiff Ruby Murray took all the

necessary adequate and additional steps to assure that the defendant Capital One

N.A understood the process of being served as well as the time frame that follows

the process as well on the grounds plaintiff Ruby Murray states as follows:

1. The complaint was filed August 23, 2021 and mailed overnight by UPS on August 24, 2021 and received by Capital One N.A on August 25, 2021. Capital One N.A response is due by September 15, 2021. ECF No. 1
2. Plaintiff Ruby Murray exhausted an additional step and submitted a CFPB complaint with the Consumer Financial Protection Bureau ("CFPB") on August 25, 2021 with the summons, complaint, and exhibits informing Capital One N.A they have been served shown in Exhibit A.

3. On August 26, 2021 Capital One N.A closed plaintiff Ruby Murray CFPB complaint as duplicate complaint shown in Exhibit A.
4. On August 30, 2021 Capital One sent another statement demanding payment from plaintiff Ruby Murray shown in Exhibit B.
5. On September 9, 2021 plaintiff Ruby Murray submitted to the court an Affidavit of Summons/ Returned executed. ECF No. 3
6. On September 13, 2021 plaintiff Ruby Murray submitted the Exhibits to support the Affidavit of Summons Returned executed. ECF No. 4
7. On September 14, 2021 around 11am est plaintiff Ruby Murray exhausted an additional step and sent over 30 emails including the summons, complaint, and exhibits to subpoena@capitalone.com shown in Exhibit C. Advising Capital One N.A again about being served and the time process. Capital One undersigned counsel reached out to plaintiff at 2 pm EST and left a voicemail.

8. Plaintiff Ruby Murray took more than adequate and additional steps than what is required to make sure defendant Capital One N.A understood and had more than enough time to investigate and respond to plaintiff Ruby Murray complaint.
9. Rule 60b (3) for extrinsic fraud. This motion is made to avoid wasting judicial resources where the defendant Capital One N.A has no exhibits on plaintiff a natural person owing any alleged debt. Capital One N.A is attempting to undermine the alive plaintiff natural person and the organization birth certificate principal obligor as if they were the same and they are not. The United States Corporation 28 3002 15a put the organization birth certificate principal obligor in place for course of action and the alive natural person plaintiff Ruby Murray is not that, they are two different entities. Principle obligor RUBY MURRAY the organization has obligations and the alive natural person plaintiff Ruby Murray has consumer rights for legal entitlement to have, or obtain something or to act in a certain way.

10. Rule 60b (6) another reason to justify this motion to dismiss and not

extending time to avoid wasting judicial resources this has been an ongoing issue since January and Capital One N.A has no case, no rebutted affidavits or exhibits or any legislation to show and prove that a natural person plaintiff Ruby Murray is obligated to pay alleged debt. Fact, there are legislation enacted by Congress under Title 15 Commerce Chapter 41 Consumer Credit Protection to protect the alive plaintiff natural person Ruby Murray from alleged debt and to protect their credit right as a consumer.

11. Rule 60d (3) allows Powers To Grant Relief to dismiss a motion to defendant Capital One N.A for an Extension of Time to respond to plaintiff complaint that's bringing fraud on the court. Defendant Capital One N.A an artificial building structure or an intricate system structure on paper both not a natural person of it Capital One N.A. Capital One N.A is attempting to interact with the natural person plaintiff Ruby Murray who is the blood, flesh and bones natural person. Born from 2 alive natural Homo sapiens. Artificial and real can't interact that's why defendant Capital One N.A used the principle obligor organization the birth certificate ALL CAPS NAME who is not the alive natural person plaintiff at attempting to undermine the alive natural person plaintiff Ruby Murray as if they were the same and they are not. The United States Corporation 28 USC 3002 15a put the organization birth certificate principle obligor ALL CAPS NAME in place as a course of action for organizations such as Capital One N.A can attempt to undermine a natural person consumer plaintiff Ruby Murray by abusive, deceptive, unfair and misrepresentations and fraud claims.

Where plaintiff natural person Ruby Murray respectfully prays that the Court denies Capital One N.A motion for Extension of Time to Respond to plaintiff complaint and enforce the original date for Capital One N.A to respond to plaintiff natural person Ruby Murray complaint by September 15, 2021.

September 15, 2021

Ruby Murray

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2021, this document filed at the Western District Court of Pennsylvania, a true and correct copy was sent via U.S. First Class Mail with green card receipt on September 14, 2021 to the following:

Blaec C. Croft – McGuire Woods

Tower Two-Sixty

260 Forbes Ave

Suite 1800

Pittsburgh, Pa 15222

Ruby Murray

September 15, 2021